



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,016	09/15/2003	Polly Stecyk	705397.4005	1738

34313 7590 11/24/2009
ORRICK, HERRINGTON & SUTCLIFFE, LLP
IP PROSECUTION DEPARTMENT
4 PARK PLAZA
SUITE 1600
IRVINE, CA 92614-2558

EXAMINER

MENDOZA, JUNIOR O

ART UNIT	PAPER NUMBER
----------	--------------

2423

MAIL DATE	DELIVERY MODE
-----------	---------------

11/24/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/663,016	Applicant(s) STECYK, POLLY	
	Examiner JUNIOR O. MENDOZA	Art Unit 2423	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/22/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 15 and 22 have been considered but are moot in view of the new ground(s) of rejection.

Although Hamzy has not been of record for the current application, examiner will address applicant's affidavit and arguments in order to advance prosecution.

3. The affidavit filed on 09/22/2009 under 37 CFR 1.131 has been considered but is ineffective to overcome Hamzy et al. (Patent No US 7,490,340).

CONCEPTION

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Hamzy reference. While conception is the mental part

Art Unit: 2423

of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

Neither exhibit 1 nor exhibit 2 disclose or even suggest the claimed feature for which the Hamzy reference was implemented. More specifically, the submitted affidavit does NOT teach “different content based specifications corresponding to each of the two or more time range specifications”. Therefore, the current submitted affidavit does not show conception of the rejected feature prior to the critical period established by Hamzy, which has a filing date of 04/21/2003.

DILIGENCE

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Hamzy reference to either a constructive reduction to practice or an actual reduction to practice. The applicant did not provide enough evidence of diligence as required by 715.07(a).

Hamzy has a filing date of 04/21/2003; the critical period for establishing diligence is just prior to 04/21/2003 (reduction to practice of Hamzy) to 09/15/2003 (reduction to practice of instant application). During this critical period, the inventor and attorney must be accountable.

Inventor Diligence: The inventor has failed to show diligence during the critical period, which starts just before the filing day of the Hamzy reference (04/21/2003), as there is lack of evidence to show inventor diligence. In other words, the entire period during which diligence is required must be accounted for by either affirmative acts or acceptable excuses.

Attorney Diligence: Reasonable diligence is all that is required of the attorney. Reasonable diligence is established if attorney worked reasonably hard on the application during the continuous critical period. However, the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Hamzy reference to either a constructive reduction to practice or an actual reduction to practice. The applicant did not provide enough evidence of diligence as required by 37 CFR 1.551(a). Diligence of attorney in preparing and filing a patent application is required. Neither a statement nor evidence to show reasonable diligence has been submitted by the attorney. None of the exhibits provided demonstrate the attorney's diligence in question, as they appear to be directed to try to support inventor diligence.

4. Regarding **claims 1, 15 and 22**, applicant argues that Hamzy does not teach "different content based specifications corresponding to each of the two or more time range specifications" and that Hamzy teaches away from claimed feature.

However, the examiner respectfully disagrees with the applicant. The examiner points to the Johnson reference, which discloses a user profile which includes profile parameters such as rating limits and time ranges which allows parental control for the content consumed by a specific profile user, figure 6. The examiner recognizes that the existence of the rating limits and time ranges are independent of each other. However, Hamzy clearly recites the existing correlation between time ranges and rating limits as disclosed on col. 4 lines 52-67 and figure 2. Hamzy further discloses a time censorship 210 method which allows the viewer to independently set rating restrictions 220 and 230 for each individual first and second time ranges 215 and 225, respectively; col. 4 lines 52-67 and figure 2. The Hamzy reference is implemented to simply show the well known feature of assigning content based restriction to one or more individual time ranges, since it would have been obvious to one of ordinary skill in the art to modify Johnson by allowing viewers to independently set rating restrictions for each individual time ranges, as taught by Hamzy, in order to accommodate viewing setting parameters to their children's schedule (Hamzy: Col. 4 lines 52-56). Therefore, the Hamzy reference does not teach away from the Thomas and Johnson references, and it clearly discloses "different content based specifications corresponding to each of the two or more time range specifications".

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. **Claims 1, 15 and 22** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 23 of copending Application No. 10/663,015. Although the conflicting claims are not identical, they are not patentably distinct from each other because the current application and the copending application essentially claim the same subject matter.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1 – 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (Patent No 7,134,130) in view of Johnson et al. (Pub No US 2004/0078806) further in view of Hamzy et al. (Patent No US 7,490,340). Hereinafter referenced as Thomas, Johnson and Hamzy, respectively.

Regarding **claim 1**, Thomas discloses a consumer electronics device having media supervision enforcement circuitry for supervising personal exposure to user discernible information, comprising:

a first logic unit configured for generating viewer indicators indicative of viewers present in a viewing area (image recognition [212] determines that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2);

non-volatile memory configured for receiving viewing profiles (viewing criteria [216] specifies which users have access to a content or various types of content, column 9 lines 57-59; a memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27);

a second logic unit coupled to the first logic unit and the non-volatile memory and being configured for comparing a viewer indicator with viewing profiles to identify an active viewing profile and a content-based indicator with the active viewing profile (decision and command processor [214] couples to image recognition [212] or first memory and also couples to viewing criteria [216] or non-volatile memory as exhibited on figure 2; Moreover, decision and command processor [214] compares the user currently being recognized with the viewing criteria corresponding to that user, column 9 lines 59-63),

the second logic unit being further configured for generating a control signal in response to the comparison between the content-based indicator and the viewing profiles (control signal [215], column 6 lines 57-58 also exhibited on fig 2);

and a signal impairment mechanism coupled to the second logic unit and configured for, based on the control signal, selectively passing a program signal there through without substantial impairment or passing the program signal there through with substantial impairment (display controller [222] selectively controls the display of the information based on user's profile, blocking or allowing the signal, column 7 lines 45-48 also exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose a non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers wherein the plurality of viewing profiles include content-based specifications and wherein one or more of the plurality of viewing profiles include two or more time range specifications

Art Unit: 2423

and different content-based specifications corresponding to each of the two or more time range specifications; comparing a reference time with the active viewing profile.

Nevertheless, in a similar field of endeavor Johnson discloses a non-volatile memory configured for receiving a plurality of viewing profiles for selected viewers (Paragraph [0016]),

wherein the plurality of viewing profiles include content-based specifications (Paragraph [0029] also exhibited on fig 5 and 6)

and wherein one or more of the plurality of viewing profiles include two or more time range specifications (Paragraph [0029] [0082] also exhibited on fig 6; weekday time ranges and weekend time ranges);

comparing a reference time with the active viewing profile (Paragraphs [0061] [0062] figures 2 and 3; system 25 master clock).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

However, it is noted that Thomas and Johnson fail to explicitly disclose different content-based specifications corresponding to each of the two or more time range specifications; selectively passing a program signal there through without substantial impairment if the reference time falls outside of each of the two or more time range specifications corresponding to the active viewing profile or the content-based indicator

Art Unit: 2423

does not exceed the content-based specification corresponding to one of the two or more of time range specifications of the active viewing profile within which the reference time falls, or passing the program signal there through with substantial impairment if the content-based indicator exceeds the content-based specification corresponding to one of the two or more time range specifications of the active viewing profile within which the reference time falls within.

Nevertheless, in a similar field of endeavor Hamzy discloses different content-based specifications corresponding to each of the two or more time range specifications (Col. 4 lines 50-67 and col. 5 lines 1-2 and figure 2; rating setting 220 corresponds to first time range 215 and rating setting 230 corresponds to second time range 225);

selectively passing a program signal there through without substantial impairment if the reference time falls outside of each of the two or more time range specifications corresponding to the active viewing profile or the content-based indicator does not exceed the content-based specification corresponding to one of the two or more of time range specifications of the active viewing profile within which the reference time falls (Col. 4 lines 50-67 and col. 5 lines 1-2 and figure 2; since first and second time range censorship only blocks set rating settings 220 and 230 during specified time 215 and 225, it is understood that there is no content blocking outside the first and second time ranges),

or passing the program signal there through with substantial impairment if the content-based indicator exceeds the content-based specification corresponding to one

Art Unit: 2423

of the two or more time range specifications of the active viewing profile within which the reference time falls within (Col. 4 lines 50-67 and col. 5 lines 1-2 and figure 2; content exceeding censorship levels within first time range 215 and second time range 225 are censored).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Hamzy, for the purpose of implementing a reliable and accurate parenting control scheme which allows parents to block questionable content using a combination of time ranges and rating settings for different periods of time when children are awake and asleep (Hamzy – col. 4 lines 54-57).

Regarding **claim 2**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that each of the viewing profiles comprises a viewer specification (viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2)

and a content-based specification corresponding to the viewer specification (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information in relation to a user's profile, column 8 lines 4-15).

Regarding **claim 3**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 2; moreover, Thomas discloses an output device coupled to the signal impairment mechanism for transforming the program signal into the user discernible information (display [224] which displays the information to be viewable to an user, column 7 lines 40-42 also exhibited on fig 2).

Regarding **claim 4**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; however, it is noted that Thomas fails to explicitly disclose a data entry system for selectively inputting the viewer and content-based specifications into the non-volatile memory for storage.

Nevertheless, in a similar field of endeavor Johnson discloses a data entry system for selectively inputting the viewer and content-based specifications into the non-volatile memory for storage (Paragraph [0008]; figure 4-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose allowing the user to edit and add viewer profiles.

Regarding **claim 5**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the non-volatile memory includes a look-up list for storing a plurality of viewer specification and associated content-based specifications (user [99] programs the system [200] by

Art Unit: 2423

providing a list of persons and a rating of content suitable for each of those persons or a person rating, column 10 lines 58-60; moreover, such list is located in the viewing criteria [216] which specifies what users have access to a content or various types of content, column 9 lines 57-59).

Regarding **claim 6**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the program signal carries the content-based indicator (program content signal [221] included a content indicator signal [219], column 6 lines 63-65), and

further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator (decision and command processor [214] receives and extract the content indicator signal [219], column 7 lines 1-5).

Regarding **claim 7**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the signal impairment device is a switch (decision and command processor [214] can either totally block the signal or replace the signal by another signal, column 8 lines 20-23; where device [214] performs as a switch.

Regarding **claim 8**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the output device is a

Art Unit: 2423

television system audio/video output device (display [224] displays a television signal, column 7 lines 17-21).

Regarding **claim 9**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the first logic unit is a computer configured to run facial recognition software (image recognition [212] determines that a user is present in a given area having access to the display, column 7 lines 43-44 also exhibited on fig 2; moreover, Thomas discloses that image recognition [212] includes a software program which controls the image recognition processor, col. 7 lines 54-55).

Regarding **claim 10**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that a camera coupled to the first logic unit and configured to continuously scan the viewing area associated with the consumer electronic device (room scanner [210] includes a video camera that acquires an image of the monitored are or room, column 7 lines 52-54 also exhibited on fig 2; moreover, Thomas discloses that the video camera can be any other similar imaging device, column 10 lines 33-34).

Regarding **claim 11**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that each of the viewing

Art Unit: 2423

profiles comprises a viewer specification (a viewing criteria [216] which specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose that each of the viewing profiles comprises a finite time range specification and a content-based specification corresponding to the viewer and time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses that each of the viewing profiles comprises a finite time range specification and a content-based specification corresponding to the viewer and time range specifications (Paragraphs [0029] [0061] [0082] also exhibited on fig 5 and 6; weekday time ranges, weekend time ranges and rating limits).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 12**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; however, it is noted that Thomas fails to explicitly disclose a data entry system for selectively inputting the viewer, time range and content-based specifications into the non-volatile memory for storage.

Nevertheless, in a similar field of endeavor Johnson discloses a data entry system for selectively inputting the viewer, time range and content-based

Art Unit: 2423

specifications into the non-volatile memory for storage (Paragraph [0008] [0016] [0029] [0082] also exhibited on fig 5-6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 13**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the non-volatile memory includes a look-up list for storing a plurality of viewer specification (A memory containing user profiles, column 2 lines 9-13; moreover, Thomas discloses that all the IDE connectors [124] are standard devices such as hard drives, which are non volatile memory, column 5 lines 24-27. Where system [200] includes a list of persons and the rating of content suitable for each of those persons, column 10 lines 58-60).

However, it is noted that Thomas fails to explicitly disclose that the non-volatile memory includes a look-up list for storing associated time range and content-based specifications

Nevertheless, in a similar field of endeavor Johnson discloses that the non-volatile memory includes a look-up list for storing associated time range and content-based specifications (Paragraph [0016] [0029] [0082] fig 5 and 6; a memory stores the user profile records which includes the rating limits and viewing hours)

Art Unit: 2423

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 14**, Thomas, Johnson and Hamzy disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the program signal carries the content-based indicator and timing information (program content (220) provides a content indication signal (219) indicative of the type of content in the program material, column 6 lines 62-65); moreover, program content [220] contains information about the time-span of the program material, column 7 lines 6-8),

and further comprising a data extraction device coupled to the logic unit for extracting the content-based indicator and timing information (Program content [220] outputs the program content signal [221] and a content indicator signal [219] which is then coupled to decision and command processor [214], column 6 lines 63-65 also exhibited on fig 2).

Art Unit: 2423

Regarding **claim 15**, Thomas discloses a recordable medium comprising: a computer program comprising a set of instructions for:

receiving a program signal suitable for conversion by a consumer electronics device into user discernible information (video and audio signals that are received from a broadcast station, column 7 lines 19-21);

receiving a content-based indicator indicative of the content of the user discernible information (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information, column 8 lines 4-15);

receiving a viewer indicator indicative of a viewer present in a viewer area (a room scanner [200] that scans the room for users and output signal [211] to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

selecting a viewer specification associated with the viewer indicator (a user recognition input device [208] that determines which users are present in a given area having access to the display [224], having access to all the profiles stored in memory, column 9 lines 51-53 also exhibited on fig 2);

comparing the content-based specification with received content-based indicator (viewing criteria [216] that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a memory [220] containing information that identifies a video content type being displayed on the display [224] and containing information about which users are to be permitted access to that content type, column 9 lines 54-57);

and generating a control signal based on the comparison between the selected content-based specification and the received content-based indicator (a control signal [215] sent from the decision and command processor [214] to the display controller [222] indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 also exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose that the viewer specification including one or more content-based specifications associated with one or more time range specifications; comparing a reference time with the one or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the one or more time ranges specifications that the reference time falls within with a received content-based indicator.

Nevertheless, in a similar field of endeavor Johnson discloses the viewer specification including two or more content-based specifications associated and two or more time range specifications (Paragraph [0029] also exhibited on fig 5 and 6);

comparing a reference time (Paragraphs [0061] [0062] figures 2 and 3; system 25 master clock) with the two or more time range specifications of the selected viewer specification and a content-based specification associated with a time range specification of the two or more time ranges specifications that the reference time falls within with a received content-based indicator (Paragraphs [0029] [0061] [0082] also exhibited on fig 5 and 6; weekday time ranges, weekend time ranges and rating limits).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

However, it is noted that Thomas and Johnson fail to explicitly disclose that different content-based specifications correspond to each of the two or more time range specifications; and selectively passing a program signal without substantial impairment if the reference time falls outside of each of the two or more time range specifications corresponding to the selected viewer specification or the content-based indicator does not exceed the content-based specification corresponding to the time range specifications reference time falls or passing the program signal with substantial impairment if the content-based indicator exceeds the content-based specification corresponding to the time range specification the reference time falls within.

Nevertheless, in a similar field of endeavor Hamzy discloses that different content-based specifications correspond to each of the two or more time range specifications (Col. 4 lines 50-67 and col. 5 lines 1-2 and figure 2; rating setting 220 corresponds to first time range 215 and rating setting 230 corresponds to second time range 225);

selectively passing a program signal without substantial impairment if the reference time falls outside of each of the two or more time range specifications corresponding to the selected viewer specification or the content-based indicator does

Art Unit: 2423

not exceed the content-based specification corresponding to the time range specifications reference time falls (Col. 4 lines 50-67 and col. 5 lines 1-2 and figure 2; since first and second time range censorship only blocks set rating settings 220 and 230 during specified time 215 and 225, it is understood that there is no content blocking outside the first and second time ranges),

or passing the program signal with substantial impairment if the content-based indicator exceeds the content-based specification corresponding to the time range specification the reference time falls within (Col. 4 lines 50-67 and col. 5 lines 1-2 and figure 2; content exceeding censorship levels within first time range 215 and second time range 225 are censored).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Hamzy, for the purpose of implementing a reliable and accurate parenting control scheme which allows parents to block questionable content using a combination of time ranges and rating settings for different periods of time when children are awake and asleep (Hamzy – col. 4 lines 54-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Hamzy, for the purpose of implementing a reliable and accurate parenting control scheme which allows parents to block questionable content using a combination of time ranges and rating settings for different periods of time when children are awake and asleep (Hamzy – col. 4 lines 54-57).

Regarding **claim 16**, Thomas, Johnson and Hamzy disclose the recordable medium of claim 15; moreover, Thomas discloses that each of the received content-based indicator and the selected content-based specification is a rating (received program content includes a rating, which is then compared to the user's specification to decide whether such user is allow to have access to the content, column 8 lines 4-15).

Regarding **claim 17**, Thomas, Johnson and Hamzy disclose the recordable medium of claim 16; moreover, Thomas discloses that the control signal is generated if the received content-based rating exceeds the selected content-based rating (a control signal (215) sent from the decision and command processor (214) to the display controller (222) indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 also exhibited on fig 2).

Regarding **claim 18**, Thomas, Johnson and Hamzy disclose the recordable medium of claim 15; moreover, Thomas discloses that each of the received content-based indicators and the selected content-based specifications is a subject matter category (a content indicator and content specification used to avoid children from having contact to questionable content, from different content categories such as violent content or sexual content, column 6 lines 11-14).

Regarding **claim 19**, Thomas, Johnson and Hamzy disclose the recordable medium of claim 18; moreover, Thomas discloses that the control signal is generated if the received content-based category matches the selected content-based category (a control signal (215) is generated from decision and command processor (214) according to the viewing criteria (216), which will block the content if there is any indication of sexual or violent content, column 6 lines 55-67 also exhibited on fig 2).

Regarding **claim 20**, Thomas, Johnson and Hamzy disclose the recordable medium of claim 15; moreover, Thomas discloses that the control signal is generated to impair the program signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 also exhibited on fig 3).

Regarding **claim 21**, Thomas, Johnson and Hamzy disclose the recordable medium of claim 15; however, it is noted that Thomas fails to explicitly disclose receiving timing information indicative of a reference time; selecting a finite time range specification associated with the timing information and selecting a content-based specification associated with the selected viewer and time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses receiving timing information indicative of a reference time (Paragraphs [0061] [0062] figures 2 and 3; system 25 master clock);

selecting a finite time range specification associated with the timing information (Paragraph [0029] also exhibited on fig 5 - 6; viewing hours 505);

Art Unit: 2423

and selecting a content-based specification associated with the selected viewer and time range specifications (Paragraph [0029] [0082] also exhibited on fig 5 and 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer educational content.

Regarding **claim 22**, Thomas, Johnson and Hamzy disclose all the limitations of claim 22; therefore, claim 22 is rejected for the same reasons as in claims 1 and 15.

Regarding **claim 23**, Thomas, Johnson and Hamzy disclose the recordable medium of claim 22; moreover, Thomas discloses that the viewer monitoring system comprises a facial recognition system (user recognition input device [208], column 9 lines 14-16 also exhibited on 2).

Regarding **claim 24**, Thomas, Johnson and Hamzy disclose all the limitations of claim 24; therefore, claim 24 is rejected for the same reasons as in claims 9 and 10, respectively.

Art Unit: 2423

Regarding **claims 25, 26, 27, 28, 29, 30, 31 and 32**, Thomas, Johnson and Hamzy disclose all the limitations of claims 25, 26, 27, 28, 29, 30, 31 and 32; therefore, claims 25, 26, 27, 28, 29, 30, 31 and 32 are rejected for the same reasons as in claims 2, 3, 4, 13, 14, 7, 8 and 11, respectively.

Regarding **claims 33, 34 and 35**, Thomas, Johnson and Hamzy disclose all the limitations of claims 33, 34 and 35; therefore, claims 33, 34 and 35 are rejected for the same reasons as in claims 4, 13 and 14, respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
November 18, 2009

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423